

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5433 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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MEHSANA DISTRICT CENTRAL CO-OP. BANK LTD

Versus

REGIONAL PROVIDENT FUND COMMISSIONER, AHMEDABAD

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Appearance:

MS PRERNA VAKHARIA for the Petitioner

None present for the respondent.

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/08/96

ORAL JUDGEMENT

1. Heard learned counsel for the petitioner. The challenge is made by the petitioner to the order of the Regional Provident Fund Commissioner, Ahmedabad dated 14th October, 1983, Annexure 'A' under which the damages have been imposed under sec. 14B of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 for delayed payment of the contribution under the said Act. 100% damages have been levied as the authority considered it to be a case of long delay. The total amount of the

damages is to the tune of Rs.7276/-. The respondent has given a finding that the petitioner establishment has persistently delayed remittances of Provident Fund dues. It has not paid Provident Fund dues in time. It is considered to be a case of persistent failure to act or to perform the obligations which were there on the petitioner under the Provisions of the Act, 1952.

2. This Court will not sit as an appellate authority above the decision of the respondent. If this court considers that there is some procedural error or there is some error apparent on the face of the order impugned in this Special Civil Application then only it may interfere in the matter and not otherwise.

3. Taking into consideration the finding of the respondent, I am satisfied that it is not a case which calls for interference of this court. The excuse which has been given for delayed payment of the contribution is difficult to accept for the petitioner-establishment. It is an establishment carrying on the banking activities.

4. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated.

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zgs/-